



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, NOVEMBER 8, 2005

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: *P* *P* *P* *A* *P* *A* *P*
Dwyer, Scandura, Dingwall, Ray, Livengood, Burnett, Horgan
Commissioner Ray arrived at 5:20 p.m.

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DWYER TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF NOVEMBER 8, 2005, BY THE FOLLOWING VOTE:

AYES: Livengood, Scandura, Dingwall, Horgan, Dwyer
NOES: None
ABSENT: Burnett, Ray
ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS):

A-1. ZONING TEXT AMENDMENT NO. 05-02 (NEIGHBORHOOD NOTIFICATION/FENCE EXTENSIONS) – Rosemary Medel

Rosemary Medel, Associate Planner, reviewed the proposed amendment.

Commission discussions with staff ensued concerning the following: The location of fence, permit fee and change in ordinance.

A-2. ZONING TEXT AMENDMENT NO. 05-03 (APPEALS/SPECIFIC PLANS) – Jason Kelley

Jason Kelley, Assistant Planner, gave a presentation of the proposed amendments.

Discussion ensued regarding addition of language to specific plans, the appeal process and recommendation of notification of approvals and appeals to the Planning Commission.

A-3. ENTITLEMENT PLAN AMENDMENT NO. 05-06 (TSUNAMI – AMENDMENT TO OPERATING HOURS) – Paul Da Veiga

Paul Da Veiga, Associate Planner, presented an overview of the proposed amendment.

Commission discussions with staff ensued concerning the parking requirement and hours of operation.

B. STUDY SESSION ITEMS - NONE

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – Herb Fauland

Herb Fauland, Principal Planner, reported no new information had been received on Public Hearing Item No. B-1 (Gergen Mixed Use Development) and that staff had received only one call requesting information about the item.

D. PLANNING COMMISSION COMMITTEE REPORTS

Chair Ray advised that he intends to propose revisions to the Commission's Bylaws, Rules and Protocols at the December 13, 2005, study session. Chair Ray also announced that the Public Hearing Process would be scheduled for the same session. He confirmed with staff the upcoming Holiday Celebration.

Commissioner Livengood announced that the pending Home Depot project is scheduled for review by the Design Review Board on November 17, 2005.

Commissioner Dwyer inquired into the attendance at the previous Environmental Board meeting noting that he did not attend.

E. PUBLIC COMMENTS (Regarding Study Session portion of Meeting)

Mike Adams, representing business owners, provided comments on Study Session Item No. A-2 (Appeals/Specific Plans) and submitted a letter from the Chamber of Commerce.

Dick Harlow, business owner, provided comments on Study Session Items No. A-2 (Appeals/Specific Plans) and A-3 (Tsunami – Amendment To Operating Hours)

F. PLANNING COMMISSION COMMENTS

Commissioner Horgan asked staff the status of the Harriman project. Staff provided a brief update and noted that if there are additional questions to please call.

6:30 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Livengood

ROLL CALL: *P P P P P A P*
Dwyer, Scandura, Dingwall, Ray, Livengood, Burnett, Horgan

AGENDA APPROVAL

A MOTION WAS MADE BY DWYER, SECONDED BY DINGWALL, TO APPROVE THE PLANNING COMMISSION AGENDA OF NOVEMBER 8, 2005, BY THE FOLLOWING VOTE:

AYES: Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: Burnett
ABSTAIN: None

MOTION APPROVED

A. ORAL COMMUNICATIONS

Mr. Steve Stafford provided comments concerning existing problems with school children and traffic near the Crystal Island project.

B. PUBLIC HEARING ITEMS

PROCEDURE: Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

- B-1. COASTAL DEVELOPMENT PERMIT NO. 03-14/ CONDITIONAL USE PERMIT NO. 03-34/ SPECIAL PERMIT NO. 05-01 (GERGEN MIXED USE DEVELOPMENT):** **Applicant:** Joe Gergen **Request:** To permit construction of an approximately 5,497 sq. ft., three-story mixed-use building on a 2,825 sq. ft. lot. The project proposes office space on the first and second floors, and a one-bedroom apartment on the third floor. The Special Permit provides for a portion of the roof to exceed the 35-foot height limit to the mid-point of the roof by 2-feet, 6-inches. **Location:** 307 Third Street (west side of Third St./north of Olive Ave.). **Project Planner:** Ron Santos

STAFF RECOMMENDATION: Motion to: "Approve Coastal Development Permit No. 03-14/ Conditional Use Permit No. 03-43/ Special Permit No. 05-01 with suggested findings and conditions of approval."

Ron Santos, Associate Planner, presented an overview of the proposed project.

The Commission made the following disclosures:

- Commissioner Dwyer drove by the subject site; no contact with applicant was made.
- Commissioner Scandura visited the subject site and attended the last study session which discussed the project.
- Commissioner Dingwall advised he made no contact with applicant and did not visit the subject site.
- Commissioner Livengood visited the site and met with staff.
- Commissioner Horgan visited the site as well as speaking with staff.
- Chair Ray visited the subject site on three occasions, spoke with staff and also attended the study session.

Mr. Livengood was concerned with the parking on the north side of the building and what type of improvements will be in place to prevent vehicles from entering or damaging the side of the structure.

Santos displayed an aerial photo that showed wheel stops in place in the adjacent lot to prevent vehicles from damaging the side of the project building. He also advised that the project building will be built at a zero lot line and there is no development proposed at this time for the adjacent lot.

Santos stated that the Downtown Parking Master Plan establishes development thresholds based on land use. This provides for the amount of space for retail, office and restaurants to be built without additional parking. The plan also allows for transfer between uses, such as retail to office. This is reflected in the annual review and update completed by the Planning Department.

Scandura asked if a building code issue was clarified in the revised plans regarding the corridor and rear exit.

Santos advised that the Building Department identified the corridor on the south side of the building as two-directional, which is required. The rear exit problem was remedied by the modification of a wall. The current design of the 2nd and 3rd floors will be reviewed for building code requirements.

Horgan and staff engaged in discussions concerning the partial glass floor, the height of the second and third floors and building code compliance.

Dingwall and staff engaged in discussions concerning the building's height and the project's uniqueness to the Downtown Specific Plan.

THE PUBLIC HEARING WAS OPENED:

Steve Stafford, spoke in opposition to the item, voicing concerns related to an existing parking problem near the post office and the possibility of a methane gas problem with abandoned oil wells.

Joe Gergen, Applicant, advised that the extension of the height limit was purely architectural in nature. His intention is to add interest to the roofline. Building an interior courtyard is to bring natural light into the structure on the 2nd and 3rd floors.

Dwyer requested that Fire Marshal Engberg point out the codes regarding the issue of methane gas on properties. Engberg referred to Attachment 4.4, which lists requirements and specifications for methane also Attachment 4.8(j), Code Requirements for a methane district.

Horgan confirmed with the applicant that there would be no glass floor.

Ray confirmed with the applicant that the off-site trash receptacle would remain where it is currently located.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Discussion ensued between the Commissioners and staff regarding the parking and safety factors, building height and how the actual height of the building is measured.

A MOTION WAS MADE BY LIVENGGOOD, SECONDED BY DWYER, TO APPROVE COASTAL DEVELOPMENT PERMIT NO. 03-14/CONDITIONAL USE PERMIT NO. 03-34/SPECIAL PERMIT NO. 05-01 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES: Dwyer, Scandura, Ray, Livengood
NOES: Dingwall, Horgan
ABSENT: Burnett
ABSTAIN: None

MOTION PASSED

FINDINGS AND CONDITIONS OF APPROVAL

**COASTAL DEVELOPMENT PERMIT NO. 03-14/ CONDITIONAL USE PERMIT NO. 03-34/
SPECIAL PERMIT NO. 05-01**

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines – *In-Fill Development Projects*, which states that development of an infill lot less than five (5) acres in size and consistent with the General Plan and zoning ordinance are exempt from further environmental review. The site can be adequately served by all required utilities and public services and will not have significant impacts to traffic, noise, air quality or water quality. In addition, the site does not have value as habitat for endangered or threatened species.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 03-14:

1. Coastal Development Permit No. 03-14 for the development project as proposed, conforms with the General Plan, including the Local Coastal Program Land Use Designation of MV-F6/25-sp-pd (Mixed Use Vertical – 2.0 max. FAR/ 25 units/acre – Specific Plan – Pedestrian Overlay) and the following Coastal Element policies:

Policy C 1.1.1: New development shall be encouraged within, contiguous or in close proximity to, existing developed areas able to accommodate it.

Policy C 1.1.5: Provide neighborhood commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code, with the exception of the special permit request. The project complies with applicable maximum floor area ratio and building height requirements, and the applicable minimum setback and parking requirements.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project will be constructed in an urbanized area with direct access from an existing public street and with all necessary services and infrastructure available including water, sewer and electricity.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public

views to coastal resources. In addition, the project is subject to payment of required park fees; to be used for acquiring and maintaining public park land for recreational use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 03-43:

1. Conditional Use Permit No. 03-43 to permit construction of an approximately 5,497 sq. ft., three-story mixed-use (office/ residential) building on a 2,825 sq. ft. lot, pursuant to Section 4.7.01(b) – *Permitted Uses* of the Downtown Specific Plan, will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed project provides required on-site parking, and will not generate significant traffic volumes, noise, odors or other adverse impacts. In addition, the project will replace an unsightly oil production facility which is incompatible and detrimental to the value of property and improvements in the neighborhood with a development that will help to support the residential and commercial land uses existing in the surrounding neighborhood.
2. The conditional use permit for the proposed mixed-use project building will be compatible with surrounding uses because the project is proposed in a Specific Plan area designated for mixed-use pedestrian-oriented development. The project consists of office and residential development designed to encourage pedestrian activity. In addition, the proposed building height, massing, architecture, colors, materials and orientation are consistent with the City's Urban Design Guidelines for Downtown development and the character of the existing neighborhood.
3. The proposed three-story mixed-use development will comply with the provisions of the Downtown Specific Plan – District 5 and applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of MV-F6/25-sp-pd (Mixed Use Vertical – 2.0 max. FAR/ 25 units/acre – Specific Plan – Pedestrian Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Objective LU 11.1.1: Provide for the development of structures that integrate housing with commercial uses, and ensure the compatibility of these uses.

Policy LU 11.1.1: Accommodate the development of structures and sites that integrate housing units with retail and office commercial uses in areas designated "mixed use" on the Land Use Plan Map.

Policy 11.1.7: Require that mixed-use development projects be designed to achieve a consistent and high quality character, including the consideration of the visual and physical integration among the commercial and residential uses.

Policy LU 15.2.2: Require that structures located in the pedestrian overlay zone be sited and designed to enhance pedestrian activity along the sidewalks, in consideration of the following guidelines:

- Siting of the linear frontage of the building along the front yard property line to maintain a "building wall" character, except for areas contiguous with the structure use for outdoor dining or courtyards;

- Assurance that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians, except as may be required for landscape and security;
- Extensive articulation of the building façade and use of multiple building volumes and planes;
- Incorporation of landscape and other elements such as planter beds, planters, and window boxes that visually distinguish the site and structure;
- Incorporation of arcades, courtyards, and other recesses along the street elevation to provide visual relief and interest;
- Use of roofline and height variation to break up the massing and provide visual interest;
- Visual differentiation of upper and lower floors;
- Distinct treatment of building entrances

B. Urban Design Element

Policies UD 1.1.2: Reinforce Downtown as the City's historic center and as a pedestrian-oriented commercial and entertainment/recreation district by requiring new development be designed to reflect the Downtowns historical structures and adopted Mediterranean theme

Policies - UD 2.2.2: Require the removal of non-productive oil production facilities and the restoration of the vacated site.

The proposed project reinforces Downtown as a pedestrian-oriented district by providing a mixed-use development which incorporates new residential space and office space in close proximity ("walking distance") to each other as well as to existing residential and commercial land uses. The project also incorporates design characteristics consistent with the historic structures in Downtown, such as similar scale and mass, pedestrian oriented storefronts, and distinction between upper and lower floors. The architecture incorporates a Mediterranean theme by including a stucco exterior finish, arched storefront and barrel tile roofing. In addition, the proposed development will be constructed at the minimum front setback of five feet from the public sidewalk, thereby encouraging pedestrian activity and an intimate downtown atmosphere. The project will also displace an existing, unsightly oil production facility that is inconsistent with the character of the Downtown.

FINDINGS FOR APPROVAL – SPECIAL PERMIT NO. 05-01:

1. The granting of Special Permit No. 05-01 (pursuant to Section 4.1.02 of the DTSP) in conjunction Coastal Development Permit No. 03-14/ Conditional Use Permit No. 03-43 to construct an approximately 5,497 sq. ft., three-story mixed-use building, is for the following:
 - To permit a portion of the proposed roof to exceed the 35-foot height limit to the mid-point of the roof by two-feet, six-inches.

This Special Permit will result in a greater benefit from the project and will promote a better living environment because the proposed design will improve the architectural design of the proposed building and provide for consistency with the City's Urban Design Guidelines for Downtown development projects.
2. The granting of Special Permit No. 05-01 will provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, landscaping, site layout and design. The proposed increase in allowed roof height will allow for incorporation of a vertical

focal element, a change in roof line, a sloped roof feature and a massing break, thereby creating a more aesthetically pleasing design.

3. The granting of Special Permit No. 05-01 will not be detrimental to the general health, welfare, safety, and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general. The proposed two-foot, six-inch increase in allowed height for a portion of the roof will not impact views to coastal resources. The project has been evaluated for compatibility with the surrounding neighborhood, which includes buildings of comparable and greater heights.
4. The granting of Special Permit No. 05-01 will be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment. The Downtown Specific Plan provides for all projects to be in conformance with the adopted Design Guidelines for the area. The City's Urban Design Guidelines for the Downtown encourages vertical building focal elements, such as towers, spires or domes and variations in roof lines.
5. The granting of Special Permit No. 05-01 will be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act, and complies with State and Federal Law. The project is consistent with the Coastal Element goals, objectives, and policies as noted under the Coastal Development Permit Findings. The proposed project would develop a mix of office and residential uses in an established, urban, downtown area. Public services are currently available to the project site. Views of the beach/ocean will not be obstructed by the proposed project.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 03-14/
CONDITIONAL USE PERMIT NO. 03-43/ SPECIAL PERMIT NO. 05-01:**

1. The site plan, floor plans, and elevations received and dated November 1, 2005, shall be the conceptually approved design, with the following modifications:
 - a. The elevations identified as Scheme No. 1, (plans received and dated August 8, 2005) shall be the conceptually approved design.
 - b. The project shall be redesigned as necessary for conformance with applicable building codes.
 - c. Architecturally compatible wall-mounted dusk to dawn exterior lighting fixtures shall be installed on the front and rear facade and within the corridor proposed along the south side of the building.
 - d. The design of any gate(s) installed at the entry to the corridor along the south side of the building shall be compatible with the proposed balcony railings.
 - e. A decorative paving treatment shall be applied to the walkway extending between the public sidewalk along Third Street and the easterly most entry to the ground floor office space.
 - f. A decorative wainscot treatment shall be applied to the building along the east (front) and north façades.
 - g. Stair and elevator access to third floor shall be restricted by means of keyed locks, electronic keypads, key cards or other similar means.
 - h. The reference of a glass floor shall be deleted.

2. Prior to submittal for building permits, one set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Department.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED SEPTEMBER 27, 2005

RECOMMENDED ACTION: Motion to: "Approve the September 27, 2005 Planning Commission Minutes as submitted."

A MOTION WAS MADE BY DINGWALL, SECONDED BY RAY, TO APPROVE THE SEPTEMBER 27, 2005, PLANNING COMMISSION MINUTES AS SUBMITTED.

AYES: Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: Burnett
ABSTAIN: None

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING COMMISSION ITEMS

E-1. PLANNING COMMISSION REQUEST ITEMS:

E-1A. PROPOSED CITY COUNCIL MINUTE ACTION (DELIVERY HOURS AND LOADING DOCK DESIGNS) – Commissioner Scandura

Scandura gave an overview of his report regarding codifying delivery hours at "Big Box" stores. He stated that issues such as loading dock placement and design, soundproofing, truck idling and Sunday deliveries were considered in evaluating this issue.

Discussion ensued regarding negative impacts on neighborhoods located near loading dock areas; competitive disadvantages for stores; and the grandfathering of delivery days and hours for already established stores.

Ray suggested a separate vote for the issues of delivery hours and loading dock designs.

A MOTION WAS MADE BY SCANDURA, SECONDED BY DWYER TO APPROVE THE PROPOSED CITY COUNCIL MINUTE ACTION FOR DELIVERY HOURS WITH MODIFICATIONS, BY THE FOLLOWING VOTE:

AYES: Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: Burnett
ABSTAIN: None

MOTION APPROVED

A MOTION WAS MADE BY SCANDURA, SECONDED BY HORGAN TO APPROVE THE PROPOSED CITY COUNCIL MINUTE ACTION FOR LOADING DOCK DESIGNS WITH MODIFICATIONS, BY THE FOLLOWING VOTE:

AYES: Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: Burnett
ABSTAIN: None

MOTION APPROVED

E-2. PLANNING COMMISSION COMMENTS

Commissioner Dwyer – announced that he met with homeowners of the Ellis/Edwards residential area concerning a proposed gated community. He extended happy birthday wishes to Chair Ray.

Commissioner Scandura – announced that he met with the homeowners behind the proposed Home Depot project.

Commissioner Dingwall – none

Commissioner Ray – stated that the next regularly scheduled PC meeting of November 22, 2005 is cancelled and that the next scheduled PC meeting will be December 13, 2005. He advised that the PC holiday celebration is scheduled for December 15, 2005 at 6:00 p.m. at Chimayo.

Commissioner Livengood – announced that he met with the homeowners behind the proposed Home Depot project. He questioned staff concerning the Minute Action concerning the auto dealership parking structure. Staff replied that the item was forwarded to the City Council and no action has occurred.

Commissioner Burnett – absent

Commissioner Horgan – thanked Associate Planner Ron Santos for his time in meeting with her concerning agenda item B-1. She also thanked the Public Works Department for their work on the 17th St. and Goldenwest St. ocean outfall pipe.

F. PLANNING ITEMS

F-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING – *None*

F-2. CITY COUNCIL ITEMS FOR NEXT MEETING

Scott Hess, Planning Manager - reported that the applicant for the Poseidon project has requested a continuance to the December meeting

F-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING

Herb Fauland, Principal Planner – reported on special Design Review Board meeting on November 17, 2005 and the items scheduled for the Study Session and Public Hearing on December 13, 2005

ADJOURNMENT:

Adjourned at 9:00 p.m. to the next regularly scheduled meeting of Tuesday, December 13, 2005.

APPROVED BY:

Howard Zelefsky, Secretary

Robert Dingwall, Chair